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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,133	06/01/2001	Tim Clark	VTTI-P2702	1924

21259 7590 11/29/2005

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,133

Applicant(s)

CLARK ET AL.

Examiner

Ronald D. Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-21,30-33 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-21,30-33 and 39-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19-21, 30-33 and 39-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per independent claims 19, 30, 39, 40 and 45, the originally filed specification does not provide adequate support for the features submitted by way of the RCE filed on 9/19/2005, specifically, the originally filed specification does not provide adequate support for a feature wherein equipment of the water installation has network connectivity that does not require a native language protocol for providing water parameters in regards to the installation. The Examiner was not able to find any language supporting this feature since "native" was never used in the originally filed application and the only instances of "protocol" occurs in relationship with many different types of communication protocols. Therefore, there does not appear to be proper support for this newly added feature that was submitted by way of the RCE filed on 9/19/2005, and therefore these features appear to represent new matter.

It is noted that an RCE filed with new matter is not proper since the originally filed oath/declaration is rendered defective by the addition of features not supported by the originally filed specification. It appears that the correct course of action would have been a CIP (Continuation-In-Part) rather than the presently filed RCE (Request for Continued Examination). Therefore, since the Examiner does not have the authority to make the final determination as to what exactly constitutes new matter situations, the Examiner

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will provide the applicant with 2 rejections based on the prior art, one rejection assuming the 112 1st rejection is proper and wherein the newly filed limitations do not find support from the originally filed specification (basically reiterating the previous grounds of rejection), and the other rejection based on if the 112 1st is improper and wherein the disputed features do find adequate support in the specification as originally filed. For the later, the effective filing date of the instant application will be used, that being 9/18/2000.

Claim Rejections - 35 USC § 103 (maintained)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-21, 30-33 and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendell, U.S. Patent No. 5,616,239, in view of Hunter, U.S Patent No. 6,363,422.

As per claims 19, 30, 39-40 and 45, Wendell teaches a remote monitoring and control system for a water installation, the system comprising:

- a plurality of sensors for monitoring a plurality of water installation parameters (e.g. C3 L15-40);
- an electronic data acquisition and control device, in electrical communication with the sensors, for receiving data signals indicative of the monitored water parameters, and for selectively generating control signals to control devices related to the water parameters (e.g. "CPU"; Figure 1 element 112 and C4 L24-36); and
- a remote computer (e.g. "remote CPU"; Figure 1 element 194 and C6 L26-38).

As per claims 19 and 40, Wendell does not specifically teach the use of a network interface for providing a web based network connection between a remote computer/server and the data acquisition and control device.

Hunter teaches the use of a network interface for providing a web based network connection between a remote server and a data acquisition and control device, wherein the interface includes a means for transmitting data to the remote server and a means for transmitting control data to the related devices, wherein the control data is transmitted from the remote server. (e.g. C13 L10-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell for the purpose of providing an web based means for monitoring and controlling remote device(s) and allowing an operator bi-directional communications, including both monitoring and controlling functions, by utilizing a graphically implemented user interface to aid in visualizing the remote operational conditions and status of the remote controlled device(s), regardless of the geographic location of an operator and/or the remote controlled device(s).

As per claims 30 and 39, Wendell teaches control of a pool (Abstract).

As per claims 21, 30-33, 39 and 45, Wendell does not specifically teach controlling using the Internet, storing data in a remote server, accessing the remote server using the Internet and viewing current operational data stored on the remote server, wherein the stored data on the remote server is in the form of a graph, table or chart.

Hunter teaches controlling multiple aspects of a building automation system using the Internet, storing data in a remote server, accessing the remote server using the Internet and viewing current operational data using a remote server, wherein the stored data is in the form of a graph, table of chart (e.g. C3 L2-17 and C13 L30-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell so as to

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provide a way of minimizing the computations of the local computer system. That is, by allowing for monitoring functions to take place remotely, the local computer system is able to run more effectively since it does not need to concern itself with the monitoring functions, and less storage space is needed on the local computer system for efficiently running the system. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell for the purpose of providing a means by which the parameters, related to the water installation, may be graphically visualized so that an operator may efficiently operate the water installation utilizing graphical representations, of water installation parameters, displayed on a display screen.

As per claim 20, Wendell teaches remotely viewing a current operational state of the water installation (e.g. C4 L43-49).

As per claims 41 and 46, Wendell's combined system (Wendell in view of Hunter) teaches the use of a web browser for viewing data (e.g. See Hunter; Claim 6).

As per claims 42 and 46, Wendell's combined system teaches the use of JAVA (e.g. See Hunter; C13 L18-39), and the use of JAVA applets is inherent to the capabilities and known functions related to the use of JAVA.

As per claims 43-44, Wendell teaches controlling a pool and spa (e.g. C2 L57-60).

Claim Rejections - 35 USC § 103 (new)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-21, 30-33 and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendell, U.S. Patent No. 5,616,239, in view of Hunter, U.S. Patent No. 6,363,422, and in further view of Hsu, U.S. Patent No. 6,374,079.

As per claims 19, 30, 39-40 and 45, Wendell teaches a remote monitoring and control system for a water installation, the system comprising:

- a plurality of sensors for monitoring a plurality of water installation parameters (e.g. C3 L15-40);
- an electronic data acquisition and control device, in electrical communication with the sensors, for receiving data signals indicative of the monitored water parameters, and for selectively generating control signals to control devices related to the water parameters (e.g. "CPU"; Figure 1 element 112 and C4 L24-36); and
- a remote computer (e.g. "remote CPU"; Figure 1 element 194 and C6 L26-38).

As per claims 19 and 40, Wendell does not specifically teach the use of a network interface for providing a web based network connection between a remote computer/server and the data acquisition and control device.

Hunter teaches the use of a network interface for providing a web based network connection between a remote server and a data acquisition and control device, wherein the interface includes a means for transmitting data to the remote server and a means for transmitting control data to the related devices, wherein the control data is transmitted from the remote server. (e.g. C13 L10-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell for the purpose of providing an web based means for monitoring and controlling remote device(s) and allowing an operator bi-directional communications, including both monitoring and controlling functions, by utilizing a graphically implemented user interface to aid in visualizing the remote operational conditions and status of the remote

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controlled device(s), regardless of the geographic location of an operator and/or the remote controlled device(s).

As per claims 19, 30, 39, 40 and 45, Wendell's combined system does not specifically teach no native language protocol being utilized within the equipment of the installation with which the water parameters are associated.

Hsu teaches control devices for use in an automated house in which the control devices may be reprogrammed so that their operational parameters and instruction programs may be changed according to the desired needs of the system so that the devices may be considered to be universal in nature (e.g. C26 L32-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the features contemplated by Hsu into Wendell's combined system for the purpose of allowing for control devices with universal applicable properties so that they may be able to communicate using any communication protocol and may be incorporated into any control system, thereby adding increased flexibility to the system to which the devices may be effectively connected, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claims 30 and 39, Wendell teaches control of a pool (Abstract).

As per claims 21, 30-33, 39 and 45, Wendell does not specifically teach controlling using the Internet, storing data in a remote server, accessing the remote server using the Internet and viewing current operational data stored on the remote server, wherein the stored data on the remote server is in the form of a graph, table or chart.

Hunter teaches controlling multiple aspects of a building automation system using the Internet, storing data in a remote server, accessing the remote server using the Internet and viewing current operational data using a remote server, wherein the stored data is in the form of a graph, table of chart (e.g. C3 L2-17 and C13 L30-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell so as to provide a way of minimizing the computations of the local computer system. That is, by allowing for monitoring functions to take place remotely, the local computer system is able to run more effectively since it does not need to concern itself with the monitoring functions, and less storage space is needed on the local computer system for efficiently running the system. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Hunter into Wendell for the purpose of providing a means by which the parameters, related to the water installation, may be graphically visualized so that an operator may efficiently operate the water installation utilizing graphical representations, of water installation parameters, displayed on a display screen.

As per claim 20, Wendell teaches remotely viewing a current operational state of the water installation (e.g. C4 L43-49).

As per claims 41 and 46, Wendell's combined system (Wendell in view of Hunter) teaches the use of a web browser for viewing data (e.g. See Hunter; Claim 6).

As per claims 42 and 46, Wendell's combined system teaches the use of JAVA (e.g. See Hunter; C13 L18-39), and the use of JAVA applets is inherent to the capabilities and known functions related to the use of JAVA.

As per claims 43-44, Wendell teaches controlling a pool and spa (e.g. C2 L57-60).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571)

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272 - 3684. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be at (571) 272 - 3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ronald D Hartman Jr.

Patent Examiner

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x R0H

November 21, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600